

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 15

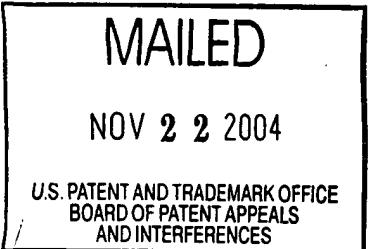
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

*Ex parte* JUHA KALLIOKULJU, MATTI TURUNEN  
and JAN SUUMAKI

Appeal No. 2004-1698  
Application 09/443,262

ON BRIEF



Before HAIRSTON, OWENS, and LEVY, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

*DECISION ON APPEAL*

This appeal is from the final rejection of claims 1 and 5-9. Claims 2-4 stand objected to but allowable if rewritten in independent form. Claims 10-23, which were added after final rejection, have been allowed.

**THE INVENTION**

The appellants claim a method for performing a handover from a first network connection to a second network connection in a mobile communication system. Claim 1 is illustrative:

A method for a mobile station for performing a handover from a first network connection to a second network connection in a mobile telecommunication system providing for non-real time telecommunication connections over a radio interface between mobile stations and the fixed parts of the mobile telecommunication system, comprising in the order recited the steps of :

-suspending at least one active non-real time telecommunication connection between a mobile station and the fixed parts of the mobile telecommunication system,

-performing a handover from the first network connection to the second network connection, and

- resuming the suspended non-real time telecommunication connection.

**THE REFERENCES**

Jayapalan et al. (Jayapalan)	5,561,844	Oct. 1, 1996
Whinnett et al. (Whinnett)	5,943,333	Aug. 24, 1999
Kanerva et al. (Kanerva)	6,052,385	Apr. 18, 2000 (\$ 102(e) date Nov. 26, 1997)
Frodigh et al. (Frodigh)	6,122,293	Sep. 19, 2000 (filed Feb. 13, 1998)

**THE REJECTIONS**

The claims stand rejected under 35 U.S.C. § 103 as follows:  
claims 1 and 9 over Whinnett in view of Jayapalan; claim 5 over Whinnett in view of Jayapalan and the appellants' admitted prior

art; claim 6 over Whinnett in view of Jayapalan, the appellants' admitted prior art and Frodigh; claim 7 over Whinnett in view of Jayapalan and Frodigh; and claim 8 over Whinnett in view of Jayapalan and Kanerva.

*OPINION*

We reverse the aforementioned rejections. We need to address only the sole independent claim, i.e., claim 1.<sup>1</sup>

The appellants' claim 1 requires that at least one active non-real time telecommunication connection between a mobile station and the fixed parts of the mobile telecommunication system is suspended before a handover from a first network connection to a second network connection takes place. For this claim requirement the examiner relies upon Jayapalan (answer, page 4).

Jayapalan discloses the use of a mobile station, interconnected with a fax adapter and a fax machine, as a transceiver for fax messages (col. 2, lines 62-64). When a base site controller determines that a handoff is required, it

---

<sup>1</sup> The examiner does not rely upon the appellants' admitted prior art, Frodigh or Kanerva for any disclosure that remedies the deficiency in Whinnett and Jayapalan as to the independent claim.

transmits a handoff command to the mobile station which forwards the command to the fax adapter (col. 4, lines 40-42). The fax adapter then activates a timer and begins monitoring for an end-of-line code (col. 3, lines 35-40; col. 4, lines 46-48). Upon detecting an end-of-line code the fax adapter begins transmitting filler bits (a variable length string of zeroes) and buffering the output of the fax machine pending completion of the handoff, thereby causing the fax machine to pause after printing a current line (col. 3, lines 27-28 and 40-45; col. 4, lines 48-53). Upon either completion of the handoff or time-out of the timer, the fax adapter begins transmitting the contents of the buffer on a first-in-first-out basis (col. 3, lines 52-55; col. 4, lines 50-53).

The examiner argues that Jayapalan's telecommunication connection is suspended while the data is buffered and the filler bits are transmitted (answer, pages 4 and 11). While bits are being transmitted, however, whether they are data bits or filler bits, the telecommunication connection is not suspended. Jayapalan's telecommunication connection is not suspended until completion of the handoff, whereas the appellants' claims require that the suspension of the telecommunication connection takes place before the handoff.

Appeal No. 2004-1698  
Application 09/443,262

We therefore conclude that the examiner has not carried the burden of establishing a *prima facie* case of obviousness of the appellants' claimed invention.

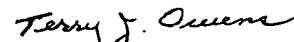
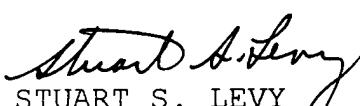
*DECISION*

The rejections under 35 U.S.C. § 103 of claims 1 and 9 over Whinnett in view of Jayapalan, claim 5 over Whinnett in view of Jayapalan and the appellants' admitted prior art, claim 6 over Whinnett in view of Jayapalan, the appellants' admitted prior and

Appeal No. 2004-1698  
Application 09/443,262

Frodigh, claim 7 over Whinnett in view of Jayapalan and Frodigh,  
and claim 8 over Whinnett in view of Jayapalan and Kanerva, are  
reversed.

*REVERSED*

  
KENNETH W. HAIRSTON )  
Administrative Patent Judge )  
 )  
 )  
  
TERRY J. OWENS ) BOARD OF PATENT  
Administrative Patent Judge )  
 )  
 )  
  
STUART S. LEVY ) APPEALS AND  
Administrative Patent Judge )  
 )  
 )  
INTERFERENCES )  
 )  
 )

TJO: pgc

Appeal No. 2004-1698  
Application 09/443,262

Clarence A. Green  
Perman & Green  
425 Post Road  
Fairfield, CT 06430